

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:11-CV-023-RJC-DCK**

US COMMODITY FUTURES TRADING COMMISSION,)	
)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
KEITH F. SIMMONS, et al.,)	
)	
Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT on “Plaintiff Commodity Futures Trading Commission’s Motion For Stay Of Deadlines (Document No. 100) filed September 30, 2013. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will deny the motion.

Plaintiff seeks a stay of “any and all deadlines directed to Plaintiff in this matter pending a possible government shutdown” while noting that “**Plaintiff is not aware of any deadlines directed to it at this time.”** (Document No. 100, p.1) (emphasis added). The undersigned further notes that a review of the docket for this case reveals that the most recent action occurred on or about **May 14, 2012**.

Based on the foregoing, the undersigned is not persuaded that the current motion is necessary. As such, the Court will deny the motion without prejudice. However, the Court recognizes, and advises Defendants, that during a “government shutdown” Plaintiff’s counsel may be unavailable. In the event of a “government shutdown,” the Court will avoid setting any unrealistic deadlines.

IT IS, THEREFORE, ORDERED that “Plaintiff Commodity Futures Trading Commission’s Motion For Stay Of Deadlines (Document No. 100) is **DENIED WITHOUT PREJUDICE.**

Signed: October 1, 2013



David C. Keesler
United States Magistrate Judge
